REPLY/AMENDMENT FEE TRANSMITTAL

Attorney Docket No.	1293.1187
Application Number	09/960,504
Filing Date	September 24, 2001
First Named Inventor	Jung-kwon HEO
Group Art Unit	3621

AMOUNT ENCLOSED		$0.00	Examiner Name	James A. Reagan

FEE CALCULATION (fees effective 12/08/04)

CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	45	- 46 =	0	X $50.00 =	$ 0.00
INDEPENDENT CLAIMS	8	- 8 =	0	X $200.00 =	$ 0.00

Since an Official Action set an <u>original</u> due date of <u>November 12, 2006</u>, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month ($120)); (2 months ($450)); (3 months ($1,020)); (4 months ($1,590)); (5 months ($2,160):	$
If Notice of Appeal is enclosed, add ($500.00)	$
If Statutory Disclaimer under Rule 20(d) is enclosed, add fee ($130.00)	$
Information Disclosure Statement (Rule 1.17(p)) ($180.00)	$
Total of above Calculations =	$ 0.00
Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)	$
TOTAL FEES DUE =	$ 0.00

(1) If entry (1) is less than entry (2), entry (3) is "0".

(2) If entry (2) is less than 20, change entry (2) to "20".

(4) If entry (4) is less than entry (5), entry (6) is "0".

(5) If entry (5) is less than 3, change entry (5) to "3".

METHOD OF PAYMENT

☐ Check enclosed as payment. ☐ Credit Card Payment Form, Form PTO-2038(attached).

☐ Charge "TOTAL FEES DUE" to the Deposit Account No. below.

☒ No payment is enclosed and no charges to the Deposit Account are authorized at this time (unless specifically required to obtain a filing date).

GENERAL AUTHORIZATION

☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:

Deposit Account No.	503333
Deposit Account Name	STEIN, MCEWEN & BUI, LLP

☒ The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STEIN, MCEWEN & BUI, LLP

Typed Name	James G. McEwen		Reg. No.	41,983
Signature			Date	Oct. 30, 2006

Docket No. 1293.1187

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Jung-kwon HEO

Serial No. 09/960,504   Group Art Unit: 3621

Confirmation No. 7211

Filed: September 24, 2001   Examiner: James A. Reagan

For: APPARATUS AND METHOD FOR TRANSCOPYING DATA

LETTER

Mail Stop Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Notice mailed October 12, 2006, the Applicant is submitting an Appellant's Appeal Brief under 37 C.F.R. §41.37, which is due November 13, 2006, November 12 being a Sunday. Also enclosed are the Claims Appendix, Evidence Appendix, and Related Proceedings Appendix for the Appellant's Appeal Brief. All enclosures for the Appendix are again submitted for the convenience of the Board.

The Notice requires a mapping of independent claims that is not required under 37 C.F.R. §41.37(v) unless the claims in question are means plus function/step plus function claims. As such, the description previously provided was sufficient to provide the "concise explanation of the subject matter defined in each of the independent claims involved in the appeal" as required under this rule. However, in order to expedite the Appeal and without admitting to the applicability of 35 U.S.C. §112, paragraph 6 for any claim element in these claims, non-limiting examples from the specification have been mapped as requested in the Notice.

The Commissioner is hereby authorized to charge any additional fees required in connection with the filing of the Appeal Brief to our Deposit Account No. 50-3333.

Respectfully submitted,

STEIN, MCEWEN & BUI LLP

By: James G. McEwen
Registration No. 41,983

1400 Eye Street, NW, Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510

Date: Oct 30, 2006

2

Docket No. 1293.1187

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Jung-kwon HEO

Serial No. 09/960,504   Group Art Unit: 3621

Confirmation No. 7211

Filed: September 24, 2001   Examiner: James A. Reagan

For: APPARATUS AND METHOD FOR TRANSCOPYING DATA

APPEAL BRIEF UNDER 37 C.F.R § 41.37

Mail Stop Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Appellant's earlier filed Notice of Appeal on July 10, 2006, Appellant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection mailed March 8, 2006. Appellant submits this Appeal Brief along with the filing fee of $500.00 set forth in 37 C.F.R. §41.20(b)(2). In view of the Notice of Panel Decision mailed August 28, 2006, the Appeal Brief is due September 28, 2006 as per Pre-Appeal Brief Conference Pilot Program, item 7 (1296 OG 67) extended under Extension of the Pilot Pre-Appeal Brief Conference Program (1303 OG 21).

Also enclosed is a Claims Appendix in compliance with 37 C.F.R. § 41.37(c)(1)(viii). An Evidence Appendix in compliance with 37 C.F.R. § 41.37(c)(1)(ix) is enclosed and indicated as being NONE. A Related Proceedings Appendix in compliance with 37 C.F.R. § 41.37(c)(1)(x) is enclosed and indicated as being NONE.

- 1 -

I.   Real Party in Interest

Pursuant to 37 C.F.R. §41.37(c)(1)(i), due to the assignment executed on December 11,

2001 by the inventor Jung-kwon HEO and recorded in the United States Patent and Trademark

Office at Reel 012357, Frame 0651, the real party in interest is as follows:

Samsung Electronics Co., Ltd.
416 Maetan-dong, Paldal-gu
Suwon-city, Kyungki-do
Republic of Korea

II.   Related Appeals and Interferences

Pursuant to 37 C.F.R. §41.37(c)(1)(ii), although the real party in interest has other

appeals and interferences, none of the other pending appeals and interferences is believed to

directly affect or be directly affected by, or have any bearing upon the decision of the Board of

Patent Appeals and Interferences in this appeal.

III.   Status of Claims

Pursuant to 37 C.F.R. §41.37(c)(1)(iii), claims 1-7 and 9-46 are pending in this

application at the filing of this Appeal Brief. Claims 5, 6, and 34 through 42 stand finally rejected,

and claims 1 through 4, 7, 9 through 33, and 43 through 46 stand allowed. Of the rejected

claims, claims 5 and 34 are independent claims, and claims 6 through 35 through 42 are

dependent claims.

In view of the final Office Action mailed March 8, 2006 as supplemented in the Advisory

Action of June 21, 2006, claims 5, 6, and 34 through 42 stand finally rejected, and claims 1-4, 7,

9-33, and 43-46. This Appeal Brief is an appeal of the finally rejected claims 5, 6, and 34

through 42.

IV.   Status of Amendments

Pursuant to 37 C.F.R. §41.37(c)(1)(iv), the amendments filed since the final Office Action

of March 8, 2006 have been entered. Specifically, in the Amendment After Final Rejection filed

under 37 C.F.R. §1.116 on June 2, 2006, applicant requested claims 5 and 34 be amended

pursuant to 37 C.F.R. §1.116 as not requiring further search and/or since the amendments place

the claims in better form for appeal. In the Advisory Action of June 21, 2006, the Examiner

entered the amendments to claims 5 and 34 for purposes of appeal.

Pursuant to 37 C.F.R. §41.37(c)(1)(viii), a copy of the claims involved in the appeal is

included in their present condition is included in the Claims Appendix.

V.   Summary of the Claimed Subject Matter

Pursuant to 37 C.F.R. §41.37(c)(1)(v), aspects of the present invention are related to the

specification as indicated below. In order to expedite the Appeal and without admitting to the

applicability of 35 U.S.C. §112, paragraph 6 for any claim element in these claims, non-limiting

examples from the specification have been mapped.

In relation to claim 5 and while not limited thereto, an example of the "content data

structure stored on a recordable medium, the content data comprising: content data comprising

one of original and copied content data" is shown in FIG. 1 and described in paragraph 0018,

which describe an original content data 11 and copied content data 15, which corresponds to the

original content data 11 after transcopying and encoded by a method usable in a content player

17.

An example of "data file information unique to said content data so that said content data

is distinguishable by a recording and/or reproducing apparatus from other content data, said

data file information comprising information used by the recording and/or reproducing apparatus

to determine the corresponding original content data in the case that the content data is the

copied content data" as recited in claim 5 is shown in FIGs. 1, 2, and 4 and described in

paragraphs 0019 through 0021, which describe the data file information 111 on the content data

11 and the copied content data 15 contains data file information 151 on the transcopied content

data 15 which include information to allow a content data player 17 to identify the data and to

confirm the identity of the data 11, 15 when the original content data 11 corresponds to copied

content data 15 when both share the data file information 111.

An example of "a rights management information area to indicate to the recording and/or reproducing apparatus whether said content data is the original content data or the copied content data transcopied from the original content data such that the recording and/or reproducing apparatus distinguishes between the original and copied content data, and to indicate to the recording and/or reproducing apparatus rights information related to the recording and/or reproducing apparatus performing data transcopying of said content data," as recited in claim 5 is shown in FIGs. 1, 2, 3B and 4 and described in paragraphs 0019 through 0021 and 0027, which describe the original content data 11 contains rights management information 115, and the copied content data 15 contains rights management information 155. The rights management information 155, 115 may include information on content rights related to copyrights or licenses to use, duplicate, and/or alter content data, and information directly or indirectly related to the rights for the contents, and is used by a control unit for rights management information 39, 43 to identify if copying has occurred, to determine if further use is allowed, and/or to identify if the data is original or transcopied.

An example of where "said rights management information for the original content data and the copied content data changes according to transcopying situations" as recited in claim 5 is shown in FIGs. 2, 3B, 4, 6 and 7 and described in paragraphs 0021, 0027 through 0029, 0033, and 0034, which describe the rights management information 155, 115 being adjusted according by the control unit for rights management information 39, 43 to when transcopying involves transcopying from one encoding method to another encoding method, and reversion of copied content data 15 back to the original content data 11 by removing a right to further use the copied content data 15 and/or restoration of the rights management information 115.

In relation to claim 34 and while not limited thereto, an example of a "computer-readable medium encoded with data that is readable by a computer, the medium comprising: content data" is shown in FIGs. 1 and 5 and described in paragraphs 0018 and 0030, which describe an original content data 11 and copied content data 15, which corresponds to the original content

data 11 after transcopying and encoded by a method usable in a content player 17 and/or a player 54 after being downloaded to a user computer 53.

An example of "identification information that indicates to the computer whether said content data is original content data encoded using a first encoding method, or is copied content data copied from the original content data and encoded using a second encoding method other than the first encoding method such that the computer distinguishes between the original and copied content data" as recited in claim 34 is shown in FIGs. 1, 2, and 4 and described in paragraphs 0019 through 0021, which describe the data file information 111 on the content data 11 and the copied content data 15 contains data file information 151 on the transcopied content data 15 which include information to allow a content data player 17 to confirm the identity of the data when the original content data 11 corresponds to copied content data 15 when both share the data file information 111. Examples of coding methods shown in FIG. 3B include MP3, AAC, AC3.

An example of "rights information that indicates to the computer a right of a user to make copies of said content data in the first and second encoding methods" as recited in claim 34 is shown in FIGs. 1, 2, 3B and 4 and described in paragraphs 0019 through 0021 and 0027, which describe the original content data 11 contains rights management information 115, and the copied content data 15 contains rights management information 155. The rights management information 155, 115 may include information on content rights related to copyrights or licenses to use, duplicate, and/or alter content data, and information directly or indirectly related to the rights for the contents, a coding method of the corresponding data 11, 15 and is used by a control unit for rights management information 39, 43 to identify if copying has occurred, a coding method used, and to identify if the data is original or transcopied.

VI.   Grounds of Rejection to be Reviewed

As per 37 CFR 41.37(c)(1)(vi), the following is a concise statement of each ground of rejection on appeal.

1.   Claims 5, 6, and 34-42 are rejected under 35 U.S.C. §101.

VII.   <u>Argument</u>

    1.   **Claims 5, 6, and 34-42 are drawn to patentable subject matter**

        A.   <u>There is insufficient explanation of the basis for the rejection of claims 5, 6, and 34-42 to maintain a prima facie rejection of claims 5, 6, and 34-42 under 35 U.S.C. §101</u>

In general, in order to reject a claim, there needs to be sufficient evidence and arguments of record in order to meet a prima facie burden as to put the applicant on notice of the reasons for the claim's deficiency. Such evidence is further required in order for meaningful review to be provided under the Administrative Procedures Act, 5 U.S.C. §706. Thus, as noted <u>In re Oetiker</u>, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992), "[t]he *prima facie* case is a procedural tool of patent examination, allocating the burdens of going forward as between examiner and applicant."

In the context of a rejection under 35 U.S.C. §101, in order to provide a prima facie case to reject a claim as being drawn to unpatentable "descriptive material" as opposed to functional descriptive material, the Examiner needs to provide both arguments and apply those arguments to the claims as presented in order to demonstrate to the applicant why the claims fail to recite functional data as opposed to non-functional data. Such an explanation would necessarily require that the examiner review the claims and provide any explanation of the claim deficiencies to the applicant. Failure to provide such an explanation in light of the claim language, or a mere summary statement without support from the claims, renders the rejection improper since the record is unclear as to the basis of the rejection and does not afford the applicant an opportunity to respond. <u>C.f.</u> <u>In re Zurko</u>, 258 F.3d 1379, 1385-1386, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001) (the "assessment of basic knowledge and common sense was not based on any evidence in the record and, therefore, lacks substantial evidence support.... To hold otherwise would render the process of appellate review for substantial evidence on the record a meaningless exercise."), <u>In re Lee</u>, 277 F3d 1338, 1342, 61 USPQ2d 1430, 1432-33 (Fed. Cir. 2002) ("For judicial review to be meaningfully achieved within these strictures, the agency tribunal must

present a full and reasoned explanation of its decision.")

This duty is reinforced by the Manuel of Patent Examining Procedure, 2106(IV)(B) (8th Ed.)(Aug. 2006), which states that "[t]he burden is on the USPTO to set forth a *prima facie* case of unpatentability. Therefore if USPTO personnel determine that it is more likely than not that the claimed subject matter falls outside all of the statutory categories, they must provide an explanation." See also Interim Guidelines for Examiner of Patent Application for Patent Subject Matter Eligibility, p. 16 (Official Gazette November 22, 2005) ("[t]he burden is on the USPTO to set forth a prima facie case of unpatentability. Therefore if the examiner determines it is more likely than not that the claimed subject matter falls outside of the statutory categories, the examiner must provide an explanation.") As such, as acknowledged by United States Patent and Trademark Office examination procedures, in order to meet this prima facie standard, the record must contain more than a mere repetition of the legal test for compliance with 35 U.S.C. §101, but an explanation for the claim's failure to meet this standard. Any such explanation needs to be more than a conclusory statement devoid of context. See Manuel of Patent Examining Procedure, 2106(IV)(D) (8th Ed.)(Aug. 2006) ("[i]f the record as a whole suggests that it is more likely than not that the claimed invention would be considered a practical application of an abstract idea, natural phenomenon, or law of nature, then USPTO personnel should not reject the claim.")

On page 2 through 4 of the Office Action mailed March 8, 2006, the Examiner sets forth a legal test for determining compliance with 35 U.S.C. §101. The Examiner then concludes, without further analysis on page 4, that the "claims are mere arrangements of data" and have "no stored relationships claimed." However, the Examiner does not refer to the claims as presented, and does set forth why any existing relationships within the recited inventions are no more than "arrangements of data like the name and address stored in a database." Instead, the Examiner has merely restated a legal test for compliance with 35 U.S.C. §101 without providing the necessary underlying explanation in light of the claims as is needed to meet the prima facie

burden.

By way of example, the Examiner does not address the functional relationships in claim 5, such as those set forth in the recited "data file information unique to said content data so that said content data is distinguishable by a recording and/or reproducing apparatus from other content data" or the recited "rights management information area to indicate to the recording and/or reproducing apparatus whether said content data is the original content data or the copied content data transcopied from the original content data such that the recording and/or reproducing apparatus distinguishes between the original and copied content data." The Examiner does not refer to any of these features, and does not provide an analysis of why such recited use of the recited data file information and/or rights management information area by the recording and/or reproducing apparatus in performing recited functions are considered non-statutory under 35 U.S.C. §101. The Examiner similarly does not address the recited relationships in the remaining claims 6 and 34-42. As such, the record does not contain an explanation, beyond a conclusory recitation of a legal test divorced from the invention as recited in the claims, sufficient to support a prima facie rejection of claims 5, 6 and 34-42 under 35 U.S.C. §101.

> B.   Claims 5 and 6 recite a data structure that is functional-descriptive and
>   compliant with 35 U.S.C. §101

In general and as set forth in the Manuel of Patent Examining Procedure §2106.01, claims are considered compliant with 35 U.S.C. §101 where there is a defined "structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory." See also, Interim Guidelines for Examiner of Patent Application for Patent Subject Matter Eligibility, p. 52 (stored data structure compliant with 35 U.S.C. §101 define "structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized"). These tests reflect the understanding of patentable data structures as set forth by the Federal Circuit in In re Lowry,

32 F3d 1579, 1584, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) that, "[m]ore than mere abstractions, the data structures are specific electrical or magnetic structural elements in a memory." As such, and as distinguished from compilations of music, functional relationships between the stored data elements which are realized by an apparatus define an invention within the meaning of 35 U.S.C. §101.

As acknowledged by the Examiner on page 2 of the Office Action, these stored functional relationships (referred to as functional descriptive material) include data structures which impart functionality when used in a computer. By way of example, In re Lowry, 32 F3d at 1582, 32 USPQ2d at 1033 claim 1 was found prior to appeal to be compliant with 35 U.S.C. §101 by the Board of Patent Appeals and Interferences and was found by the Federal Circuit to have patentable weight by reciting "a data structure stored in said memory, said data structure including information resident in a database used by said application program" and by utilizing attribute data objects to define relationships.

Consistent with this understanding of patentable subject matter, claim 5 of the instant application recites "a content data structure stored on a recordable medium." As such, claim 5 does not claim a data structure in the abstract, but instead a data structure within a stored medium.

Additionally, the stored content data of this structure comprises "one of original and copied content data," and "data file information unique to said content data so that said content data is distinguishable by a recording and/or reproducing apparatus from other content data." Additionally, the recited data file information includes "information used by the recording and/or reproducing apparatus to determine the corresponding original content data in the case that the content data is the copied content data." Thus, the data file information defines a specific stored relationship and a function of the recited file information as performed by the recording and/or reproducing apparatus both in distinguishing the stored type of content data, and how to determine corresponding original content data. Such functionality between an apparatus, the

stored content data, and the content data structure is fully consistent with patentable subject

matter within the meaning of 35 U.S.C. §101 and represents more than mere storage of

unrelated data.

Similarly, claim 5 defines a further set of interrelationships with the stored data structure

in the form of rights management information. The recited rights management information area

indicates "to the recording and/or reproducing apparatus whether said content data is the

original content data or the copied content data transcopied from the original content data such

that the recording and/or reproducing apparatus distinguishes between the original and copied

content data." The recited rights management information area further indicates "to the

recording and/or reproducing apparatus rights information related to the recording and/or

reproducing apparatus performing data transcopying of said content data, wherein said rights

management information for the original content data and the copied content data changes

according to transcopying situations." As such and in addition to the functionality provided by

the recited data file information, the stored rights management information is utilized by the

apparatus to perform still further functionality in regards to rights management governing the

apparatus relative to the contents data in the stored contents data structure.

As such, claim 5 recites the prerequisites needed for compliance with 35 U.S.C. §101: a

stored data structure storing information defining interrelationships between the stored data and

an apparatus which permit the apparatus to perform defined functions. Therefore, more than

mere compilations of names and addresses , claims 5 and 6 recited stored functional descriptive

material for at least reasons set forth above, and remain in compliance with 35 U.S.C. §101.

> C.   Claims 34-42 recite a computer readable medium including data which is
> functional descriptive material under 35 U.S.C. §101

As similarly set forth in Section VII(1)(B), stored functional descriptive material includes

data structures which impart functionality when used in a computer, and are thus compliant with

35 U.S.C. §101 as compared to mere arrangements of data. Consistent with this definition,

claim 34 recites a "computer-readable medium encoded with data that is readable by a

computer." The medium includes both "content data," and "identification information that indicates to the computer whether said content data is original content data encoded using a first encoding method, or is copied content data copied from the original content data and encoded using a second encoding method other than the first encoding method such that the computer distinguishes between the original and copied content data." Thus, the recited identification information of claim 34 provides a distinct functional relationship implemented by the computer in regards to distinguishing a type of the content data.

Additionally, claim 34 defines further functional relation in regards to rights information stored in the medium. The recited rights information "indicates to the computer a right of a user to make copies of said content data in the first and second encoding methods." As such, the rights information provides a functional relationship in regards to continued copying of the stored content data as implemented by the computer.

As such, claim 34 also recites the prerequisites needed for compliance with 35 U.S.C. §101: a stored data structure storing information defining interrelationships between the stored data and an apparatus which permit the apparatus to perform defined functions. Therefore, claims 34-42 also define a patentable data structure having a patentable interrelationship beyond mere compilations of data, and instead are stored functional descriptive material in compliance with 35 U.S.C. §101.

VIII.   Conclusion

In view of the law and facts stated herein, the Appellant respectfully submits that the Examiner has failed to provide sufficient evidence to maintain a non-statutory subject matter rejection of the rejected claims, has failed to rebut the arguments in either the Amendment After Final Rejection of June 2, 2006, or the Amendment of December 19, 2005.

For all the foregoing reasons, the Appellant respectfully submits that the cited prior art does not teach or suggest the presently claimed invention. The claims are patentable over the prior art of record and the Examiner's findings of unpatentability regarding claims 5, 6, and 34-42 should be reversed.

The Commissioner is hereby authorized to charge any additional fees (including extension of time fees with accompanying petitions if needed) required in connection with the filing of the Appeal Brief to our Deposit Account No. 50-3333.

Respectfully submitted,

STEIN, MCEWEN & BUI LLP

By: _____
James G. McEwen
Registration No. 41,983

1400 Eye Street, NW, Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510

Date: Oct. 30, 2006

IX. Claims Appendix

1. (ORIGINAL) An apparatus to convert original content data into a different coding system to generate converted content data and to copy the converted content data instead of the original content data, comprising:

a coding method confirming unit to confirm an original coding method applied to the original content data;

a transcopying unit to convert the original content data into copied content data that is decodable according to a different coding method; and

a management information recording unit to record information indicating that the original content data has been copied in a management information area of the original content data, and to record information indicating that the copied content data has been transcopied from the original content data in a management information area of the copied content data.

2. (ORIGINAL) The data transcopying apparatus of claim 1, wherein said transcopying unit comprises:

a decoding unit to decode the original content data according to the original coding method; and

an encoding unit to encode the decoded content data using the different coding method to generate the copied content data.

3. (ORIGINAL) The data transcopying apparatus of claim 1, further comprising:

a reverting unit to record information indicating that rights information is restored from the copied content data in the management information area of the original content data, and to confirm whether the copied content data is transcopied from the corresponding original content data so as to restore the original content data from the copied content data.

4. (PREVIOUSLY PRESENTED) The data transcopying apparatus of claim 1, wherein the management information of the original and/or copied content data includes one of information on a number of times that the content data can be copied, information to distinguish the original content data from the copied content data, information on an original or different coding methods of the original or copied content data, or combinations thereof.

5. (PREVIOUSLY PRESENTED) A content data structure stored on a recordable medium, the content data comprising:

content data comprising one of original and copied content data;

data file information unique to said content data so that said content data is distinguishable by a recording and/or reproducing apparatus from other content data, said data file information comprising information used by the recording and/or reproducing apparatus to determine the corresponding original content data in the case that the content data is the copied content data; and

a rights management information area to indicate to the recording and/or reproducing apparatus whether said content data is the original content data or the copied content data transcopied from the original content data such that the recording and/or reproducing apparatus distinguishes between the original and copied content data, and to indicate to the recording and/or reproducing apparatus rights information related to the recording and/or reproducing apparatus performing data transcopying of said content data,

wherein said rights management information for the original content data and the copied content data changes according to transcopying situations.

6. (PREVIOUSLY PRESENTED) The content data structure of claim 5, wherein said rights management information includes one of information on a number of times the content data is allowed to be copied, information to distinguish the original content data from the copied content data, information on a coding method of said content data, or combinations thereof.

7. (PREVIOUSLY PRESENTED) A method for transcopying data, the method comprising:

confirming an original coding method applied to original content data;

setting a different coding method than the original coding method; and

converting the original content data to generate copied content data to be decoded by the different coding method;

wherein said converting the original content data comprises recording information indicating that the original content data was transcopied into the copied content data is recorded in a rights management information area of the original content data, and recording information indicating that the copied content data was transcopied from the original content data in a rights management information area of the copied content data.

8. (CANCELLED)

9. (ORIGINAL) The data transcopying method of·claim 7, further comprising reverting the copied content data to the original content data, said reverting comprising:

confirming whether the copied content data is transcopied from the original content data; and

recording information indicating that the information is restored from the copied content data in a rights management information area of the original content data.

10. (PREVIOUSLY PRESENTED) A computer-readable medium encoded with a method for transcopying executable by a computer, the transcopying method comprising:

confirming an original coding method applied to original content data;

setting a different coding method than the original coding method; and

converting the original content data to generate copied content data that is decoded by the different coding method;

wherein said converting the original content data comprises recording information indicating that the original content data was transcopied into the copied content data is recorded in a rights management information area of the original content data, and recording information indicating that the copied content data was transcopied from the original content data in a rights management information area of the copied content data.

11. (ORIGINAL) An apparatus to convert data into a different coding system, comprising:

a copying unit to create copied content data from original content data, where the original and copied content data are decoded using different decoding methods; and

an information recording unit to record information in one of the original and the copied content data that relates the original and the copied content data.

12. (ORIGINAL) The apparatus of claim 11, wherein the information is copied into both the original and the copied content data and identifies the copied content data as copied from the original content data.

13. (ORIGINAL) The apparatus of claim 11, wherein the information is copied into both the original and the copied content data so as to identify rights of a user to further copy the copied content data and the original content data.

14. (ORIGINAL) The apparatus of claim 11, wherein the information is copied into both the original and the copied content data so as to identify the respective coding methods of the copied content data and the original content data.

15. (ORIGINAL) The apparatus of claim 11, wherein said coding unit comprises:

a decoding unit that decodes the original content data coded into standard data; and

an encoding unit to encode the standard data using a different coding method from a coding method used to encode the original content data.

16. (ORIGINAL) The apparatus of claim 15, wherein the information is copied into both the original and the copied content data, where the information

distinguishes the copied content data from the original content data,

identifies rights of a user to further copy the copied content data and the original content data, and

identifies the respective coding methods of the copied content data and the original content data.

17. (ORIGINAL) The apparatus of claim 11, wherein the information is copied into both the original and the copied content data, where the information

distinguishes the copied content data from the original content data,

identifies rights of a user to further copy the copied content data and the original content data, and

identifies the respective coding methods of the copied content data and the original content data.

18. (ORIGINAL) The apparatus of claim 17, wherein the copied content data and the original content data further include ownership information, where the ownership information is the same for both the original and copied content data.

19. (ORIGINAL) The apparatus of claim 18, further comprising an encoding method confirming unit to detect the coding method of the original content data using the information of the original content data.

20. (ORIGINAL) The apparatus of claim 19, further comprising a network interface connecting the apparatus to a network, wherein the original content data is received over the network.

21. (ORIGINAL) The apparatus of claim 19, further comprising a disk drive, wherein the original content data is received from a disk mounted in said disk drive.

22. (ORIGINAL) The apparatus of claim 16, wherein the decoding unit comprises decoders to decode using corresponding coding methods, and the decoding unit selects one of the decoders to decode the original content data using the information identifying the coding method of the original content data.

23. (ORIGINAL) The apparatus of claim 22, wherein the encoding unit comprises encoders to encode content data of multiple coding methods, and the encoding unit selects one of the encoders to encode the standard data according to the selected coding method of the copied content data.

24. (ORIGINAL) The apparatus of claim 19, further comprising a network interface connecting the apparatus to a network, wherein the copied content data is sent over the network to a content data user.

25. (ORIGINAL) A reverting unit to revert copied content data into corresponding original content data from which the copied content data was copied, comprising:
    a confirming unit to confirm that the copied content data corresponds to the original content data using identification information in the copied and original content data; and
    a control unit to change rights information in the copied and original content data so that the copied content data cannot be reproduced in a content player, and the original content data reflects that the copied content data cannot be reproduced.

26. (ORIGINAL) The reverting unit of claim 25, wherein said confirming unit identifies and finds the corresponding original content data using identification information in the copied content data.

27. (ORIGINAL) The reverting unit of claim 25, further comprising a network interface connecting the reverting unit to a network, wherein the copied content data is received over the network from a content data user to be reverted.

28. (ORIGINAL) An apparatus to distribute content data, comprising:

a copying unit to create copied content data from original content data, where the original and copied content data are decoded using different decoding methods;

a confirming unit to confirm that the copied content data corresponds to the original content data using identification information in the copied and original content data; and

a control unit to

after said copying unit creates the copied content data, to insert identification information in the copied content data relating the copied contents data and the original content data, and to insert information in the original and copied content data indicating that the original content data was copied by said copying unit, and

revert the copied content data into the original content data by changing rights information in the copied and original content data so that the copied content data cannot be reproduced in a content player, and the original content data reflects that the copied content data cannot be reproduced.

29. (ORIGINAL) The apparatus of claim 28, wherein, to revert the copied content data, said control unit identifies and finds the corresponding original content data using the identification information in the copied content data.

30. (ORIGINAL) The apparatus of claim 28, wherein said control unit further controls information in the original and the copied content data that:

distinguishes the copied content data from the original content data,

identifies rights of a user to further copy the copied content data and the original content data, and

identifies the respective coding methods of the copied content data and the original content data.

31. (ORIGINAL) The apparatus of claim 28, wherein said copying unit comprises:

a decoding unit that decodes the original content data coded into standard data, and

an encoding unit to encode the standard data using a different coding method from a coding method used to encode the original content data.

32. (ORIGINAL) The apparatus of claim 28, further comprising a network interface connecting the apparatus to a network, wherein one of the original and copied content data is distributed over the network.

33. (ORIGINAL) The apparatus of claim 28, further comprising a disk drive, wherein one of the original and copied content data is distributed using a disk mounted in said disk drive.

34. (PREVIOUSLY PRESENTED) A computer-readable medium encoded with data that is readable by a computer, the medium comprising:

content data;

identification information that indicates to the computer whether said content data is original content data encoded using a first encoding method, or is copied content data copied from the original content data and encoded using a second encoding method other than the first encoding method such that the computer distinguishes between the original and copied content data; and

rights information that indicates to the computer a right of a user to make copies of said content data in the first and second encoding methods.

35. (ORIGINAL) The computer-readable medium of claim 34, further comprising information on a coding method of said content data.

36. (ORIGINAL) The computer-readable medium of claim 34, further comprising ownership information that identifies an owner of said content data.

37. (ORIGINAL) The computer-readable medium of claim 34, wherein, if said content data is copied from the original data, said identification information further distinguishes said content data from the original data.

38. (ORIGINAL) The computer-readable medium of claim 37, further comprising information on a coding method of said content data.

39. (ORIGINAL) The computer-readable medium of claim 38, further comprising ownership information that identifies an owner of said content data.

40. (ORIGINAL) The computer-readable medium of claim 34, further comprising information on a coding method of said content data.

41. (ORIGINAL) The computer-readable medium of claim 40, where said content data comprises audio data.

42. (ORIGINAL) The computer-readable medium of claim 40, where said content data comprises image data.

43. (PREVIOUSLY PRESENTED) The data transcopying apparatus of claim 1, wherein the original coding method comprises one of MP3, AAC, and AC3, and the different coding method comprises another one of MP3, AAC, and AC3 other than the original coding method.

44. (PREVIOUSLY PRESENTED) The data transcopying apparatus of claim 1, wherein the original coding method comprises one of GIF, JPG and TIF, and the different coding method comprises another one of GIF, JPG and TIF other than the original coding method.

45. (PREVIOUSLY PRESENTED) The content data structure of claim 7, wherein the original coding method comprises one of MP3, AAC, and AC3, and the different coding method comprises another one of MP3, AAC, and AC3 other than the original coding method.

46. (PREVIOUSLY PRESENTED) The content data structure of claim 7, wherein the original coding method comprises one of GIF, JPG and TIF, and the different coding method comprises another one of GIF, JPG and TIF other than the original coding method.

X.   <u>**Evidence Appendix**</u>

NONE

XI.   <u>**Related Proceedings Appendix**</u>

NONE